

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ELTON E. BRYAN,

Petitioner,

v.

Civil Action No. 2:10-1196  
(Criminal No. 2:93-00089)

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT ORDER

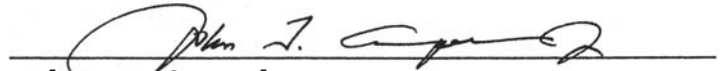
In accordance with the memorandum opinion and order entered this same day, it is ORDERED and ADJUDGED that the petition for a writ of coram nobis be, and it hereby is, denied. It is further ORDERED that this action be, and it hereby is, dismissed without prejudice and stricken from the docket.

The court has considered whether to grant a certificate of appealability. See 28 U.S.C. § 2253(c). A certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v.

McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). The court concludes that the governing standard is not satisfied in this instance. Accordingly, the court ORDERS that a certificate of appealability be, and it hereby is, denied. Petitioner may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.

The Clerk is directed to forward copies of this order to petitioner, all counsel of record, and the magistrate judge.

DATED: December 19, 2013

  
John T. Copenhaver, Jr.  
United States District Judge